APPENDIX

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UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No. 20,199

CENTRAL HARDWARE COMPANY, *Petitioner*,

v.

NATIOAL LABOR RELATIONS BOARD, *Respondent*.

Judgment

[Entered April 30, 1971]

BEFORE: Gibson and Bright, Circuit Judges, and McManus, Chief District Judge.

THIS CAUSE came on to be heard upon a petition to review, and on a cross-application for enforcement of, an order of the National Labor Relations Board dated March 4, 1970, against Central Hardware Company, its officers, agents, successors, and assigns. The Court heard argument of respective counsel on December 16, 1970, and has considered the briefs and transcript of record filed in this cause. On March 24, 1971, the Court being fully advised in the premises handed down its opinion granting in part and denying in part enforcement of the Board's said order. In conformity therewith, it is hereby

ORDERED AND ADJUDGED by the Court that Central Hardware Company, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Promulgating, maintaining, enforcing, interrogating any employee concerning, or laying off, discharging, or otherwise disciplining any employee for failure to comply with, any rule prohibiting any employee from soliciting any other employee on behalf of Retail Clerks Union Local

725, Retail Clerks International Association, AFL-CIO, or any other labor organization, in nonselling or nonworking areas of its retail stores during nonworking time of both.

(b) Promulgating, maintaining, or enforcing any rule prohibiting nonemployee representatives of Retail Clerks Union Local # 725, Retail Clerks International Association, AFL-CIO, or any other labor organization, from appearing on the parking lots adjacent to its retail stores and there soliciting employees on behalf of Retail Clerks Union Local # 725, Retail Clerks International Association, AFL-CIO, or any other labor organization.

(c) Discouraging membership in Retail Clerks Union Local # 725, Retail Clerks International Association, AFL-CIO, or any other labor organization, by discriminating against employees in regard to hire or tenure of employment or any term of condition of employment.

(d) Enforcing in a discriminatory manner any rule pertaining to union activities on company time.

(e) In any other manner interfering with, restraining, or coercing employees in the exercise of their rights to self-organization, to form, join or assist Retail Clerks Union Local # 725, Retail Clerks International Association, AFL-CIO, or any other labor organization, to bargain collectively through representatives of their own choosing, or to engage in any concerted activities for the purpose of collective bargaining or other mutual aid or protection, as guaranteed in Section 7 of the National Labor Relations Act, as amended, or to refrain from any or all such activities except insofar as these rights could be affected by any contract with a labor organization, if validly made in accordance with said Act, whereby membership therein is a condition of employment after the 30th day following the date of such contract or the beginning of such employment, whichever is later."

2. Take the following affirmative action which the Board has found, will effectuate the policies of the National Labor Relations Act, as amended:

(a) Revoke and withdraw its rule, announced in speeches to employees delivered on or about June 13, 1968, by George Reed, its vice president, or any prior subsequent rule, insofar as any said rule prohibits any employee from soliciting any other employee on behalf of Retail Clerks Union Local # 725, Retail Clerks International Association, AFL-CIO, or any other labor organization, in nonselling or nonworking areas of its retail stores during the nonworking time of both.

(b) Revoke and withdraw its rule, announced in letters, dated July 15, 1968, addressed, and later delivered, to employees or any prior or subsequent rule prohibiting nonemployee representatives of Retail Clerks Union Local #725, Retail Clerks International Association, AFL-CIO, or any other labor organization, from appearing on the parking lots adjacent to its retail stores and there soliciting employees on behalf of Retail Clerks Union Local # 725, Retail Clerks International Association, AFL-CIO, or any other labor organization.

(c) Make Marilyn Ragle whole, in the manner set forth in the section of the Trial Examiner's Decision entitled "The Remedy," for any loss of earnings she may have suffered by reason of the discrimination practiced against her.

(d) Preserve and, upon request, make available to the National Labor Relations Board or its agents, for examination and copying, all payroll records, social security payment records, timecards, personnel records and reports, and all other records necessary to analyze the amount of backpay due under the terms of this Judgment.

(e) Post at each of its Indianapolis stores copies of the attached notice marked "Appendix." Copies of said notice,

on forms provided by the Regional Director for Region 25 (Indianapolis, Indiana), of the National Labor Relations Board, after being duly signed by petitioner's authorized representatives, shall be posted by petitioner immediately upon receipt thereof, and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by petitioner to insure that said notices are not altered, defaced, or covered by any other material.

(f) Notify said Regional Director, in writing, within 10 days from the date of this Judgment, what steps petitioner has taken to comply herewith.

APPENDIX

Notice To All Employees

Posted pursuant to a judgment of the
United States Court of Appeals
enforcing in part an Order of the
National Labor Relations Board.

An Agency of The United States Government

After a trial in which both sides had an opportunity to present their evidence, it has been adjudged that we violated the law by committing unfair labor practices. Accordingly, we post this notice and will keep the promises that we make in this notice.

We Will Not make, or enforce, any rule prohibiting any employee from soliciting any other employee to become a member of, or to support, Retail Clerks Union Local # 725, or any other union, in nonselling or nonworking parts of our stores during nonworking time. As such a rule was announced in speeches given

by George Reed, our vice president, on June 13, 1968, WE WILL cancel it.

WE WILL NOT question any employee as to whether such a rule has been obeyed and WE WILL NOT fire, lay off, suspend, or in any other way punish any employee for not obeying such a rule.

WE WILL NOT make, or enforce any rule prohibiting organizers or representatives of Retail Clerks Union Local # 725, or any other union, from coming on our parking lots to solicit, or to arrange to solicit, any employee to become a member of, or to support, Retail Clerks Union Local # 725, or any other Union. As such a rule was announced in letters to employees, dated July 15, 1968, signed by Stanley M. Cohen, our president, WE HEREBY cancel it.

WE WILL NOT fire, layoff, suspend, fail or refuse to reinstate, or discriminate against, any employee for engaging in union activity or for joining any union. As it has been decided that we discriminated against Marilyn Ragle in this manner when we suspended her because she engaged in activity in support of Retail Clerks Union Local # 725, WE WILL pay her for any loss of wages she suffered because we suspended her.

WE WILL NOT enforce in a discriminatory manner any rule pertaining to union activities on company time.

WE WILL NOT in any manner interfere with, restrain, or coerce you in the exercise of any rights guaranteed to you by the National Labor Relations Act. In this connection WE WILL respect your rights to self-organization, to form, join, or assist any union, to bargain collectively through any union or representative of your choice as to wages, hours of work, and any other term or condition of employment. You also have the right, which WE WILL also respect, to refrain from doing so.

All our employees are free to become or remain, or not become or remain, members of Retail Clerks Union Local #725, or any other union.

CENTRAL HARDWARE COMPANY
(Employer)

Dated ..... By .....
(Representative) (Title)

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This Notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material.

Any questions concerning this Notice or compliance with its provisions, may be directed to the Board's Office, 614 ISTA Center, 150 West Market Street, Indianapolis, Indiana 46204, Telephone 317-633-8921.